

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOTED FOR ENDORSE

DURST IMAGE TECHNOLOGY US LLC; and
DURST PHOTOTECHNIK AG,

Plaintiffs,

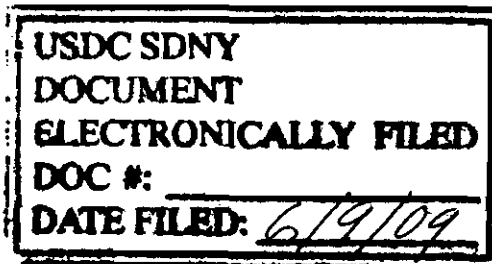
- against -

INTEGRA TECHNOLOGIES
INTERNATIONAL, INC. and
WILLIAM THOMAS, JR.,

Defendants.

No. 08 CV 10814 (MGC)
ECF Case

NOTICE OF MOTION



PLEASE TAKE NOTICE that, upon the accompanying declarations of Ron Skaggs, William Thomas, Jr., and Richard C. King, Jr., and all exhibits thereto, the accompanying memorandum of law, and all prior pleadings and proceedings in this action, defendants Integra Technologies International, Inc. and William Thomas, Jr., by and through their undersigned counsel, will move this Court before the Honorable Miriam Goldman Cedarbaum, on June 4, 2009, at 9:30 a.m., or as soon thereafter as counsel may be heard, at the United States Court House, 500 Pearl Street, New York, New York 10007, for an order: (1) dismissing plaintiffs' trademark infringement and trademark dilution claims pursuant to Federal Rule of Civil Procedure 12(b)(6); (2) dismissing plaintiffs' claims against Thomas for lack of jurisdiction pursuant to Rule 12(b)(2); and (3) transferring the remainder of the case to the Western District of Texas pursuant to 28 U.S.C. § 1404(a).

*Motion to dismiss granted with leave to file
an amended complaint by no later than June 30, 2009.
Motion to transfer denied. For oral opinion, see record
of proceedings.
So ordered.
June 9, 2009*

United States District Judge